

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**CITIFINANCIAL MORTGAGE COMPANY,)
INC., n/k/a CITIMORTGAGE, INC.,)**

Plaintiff,)

v.)

ALPHA SMITH and VERA M. SMITH,)

Defendants.)

**CIVIL ACTION NO.:
CV: 3:06cv899-MHT**

PLAINTIFF'S WITNESS AND EXHIBIT LIST

COMES NOW plaintiff CitiFinancial Mortgage Company, Inc. n/k/a CitiMortgage, Inc. ("CitiFinancial"), pursuant to the Scheduling Order entered by this Court and submits the following as its Witness and Exhibit List:

WITNESSES

1. Alpha Smith (Expect to Call)
2913 McFadden Drive
Tuskegee, Alabama 36088
2. Vera Smith (Expect to Call)
2913 McFadden Drive
Tuskegee, Alabama 36088
3. Teresa M. Baer (Expect to Call)
CitiFinancial, Inc.
c/o Burr & Forman LLP
420 N. 20th Street, Suite 3400
Birmingham, Alabama 35203
4. Corporate Representative of CitiFinancial (May Call)
Corporation, LLC.
5. Corporate Representative of CitiMortgage, Inc. (May Call)
f/k/a CitiFinancial Mortgage Company, Inc.
6. Loan closer for Alpha Smith's CitiFinancial (May Call)
Corporation, LLC loan dated March 11, 2004.

7. All persons necessary to authenticate exhibits. (May Call)
8. All persons necessary for rebuttal and/or impeachment. (May Call)
9. All persons listed by Defendants to which CitiFinancial has no objection. (May Call)

EXHIBITS

1. Disclosure, Note and Security Agreement between Alpha Smith and CitiFinancial Corporation, LLC, dated March 11, 2004. (Expect to Use)
2. Arbitration Agreement between CitiFinancial Corporation, LLC and Alpha Smith, dated March 11, 2004. (Expect to Use)
3. All loan documents associated with loan between CitiFinancial Corporation, LLC and Alpha Smith, dated March 11, 2004. (Expect to Use)
4. Any and all loan documents of the Defendants. (May Use)
5. Any and all loan-file documents of the Defendants. (May Use)
6. Declaration of Teresa Baer and exhibits thereto. (Expect to Use)
7. Plaintiffs' Petition for Order Compelling Arbitration and exhibits thereto. (Expect to Use)
8. Plaintiffs' Motion for Summary Judgment as to Defendant Alpha Smith and exhibits thereto. (Expect to Use)
9. Vera and Alpha Smith's Complaint filed in the Circuit Court of Macon County, Alabama on April 17, 2006. (Expect to Use)
10. Correspondence from Elizabeth B. Shirley to Charles James, II, dated September 27, 2006. (Expect to Use)
11. Defendants' answers and responses to Plaintiff's discovery requests. (May Use)

12. Note, Mortgage and loan documents associated with real estate loan between Alpha and Vera Smith and First Capital Mortgage Corporation. (Expect to Use)
13. Assignment of Mortgage, dated April 11, 1989. (Expect to Use)
14. Any and all documents listed as exhibits by Defendants to which CitiFinancial has no objection. (May Use)
15. Any and all documents necessary for rebuttal and/or impeachment. (May Use)
16. Any demonstrative aides summarizing evidence. (May Use)

CitiFinancial reserves the right to amend or supplement its Witness and Exhibit List prior to trial.

Respectfully submitted,

s/ Alan D. Leeth

Reid S. Manley (MAN039)

Alan D. Leeth (LEE038)

Elizabeth B. Shirley (BOS018)

Attorneys for Plaintiff

CITIFINANCIAL MORTGAGE COMPANY, INC., N/K/A

CITIMORTGAGE, INC.

OF COUNSEL:

BURR & FORMAN LLP

3400 Wachovia Tower

420 North 20th Street

Birmingham, Alabama 35203

Telephone: (205) 251-3000

Facsimile: (205) 458-5100

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of July, 2007, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all properly registered parties and to the extent they are not registered with the Court's ECF system, they have been served by directing same to their office addresses via first-class, United States mail, postage prepaid:

Tyrone C. Means
Charles James, II
Thomas, Means & Gillis & Seay, P.C.
P.O. Drawer 5058
3121 Zelda Court
Montgomery, Alabama 36103-5058

s/ Alan D. Leeth
OF COUNSEL